

KUB-100US

Appln. No.: 10/051,546
Amendment Dated: January 30, 2004
Reply to Office Action of November 12, 2003

Remarks/Arguments:

Applicants appreciate the Examiner's review of proposed claim amendments, and subsequent indication in a January 29, 2004 voice mail message to applicants representative, that the proposed amendment to claim 19 put it in condition for allowance.

Claims 1-20 are pending. In the Office Action dated November 12, 2003 (hereinafter "Office Action"), claims 1-18 and 20 were allowed, and claim 19 was rejected based on 35 U.S.C. § 112 (2) as being indefinite and under 35 U.S.C. § 101 as being directed towards non-statutory subject matter.

Claim 19 is amended herein to overcome these rejections. Specifically, claim 19 now recites a method comprising a step of "adjusting the light valves of the imaging system of claim 1." The applicants note that a claim reciting the limitations of another claim are acceptable:

A claim which makes reference to a preceding claim to define a limitation is an acceptable claim construction which should not necessarily be rejected as improper or confusing under 35 U.S.C. 112, second paragraph. For example, claims which read: "The product produced by the method of claim 1," or "A method of producing ethanol comprising contacting amylose with the culture of claim 1 under the following conditions" are not indefinite under 35 U.S.C. 112, second paragraph, merely because of the reference to another claim. MPEP 2173.05(f).

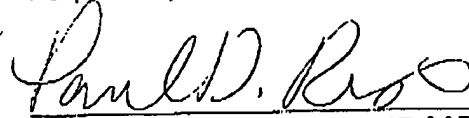
Because claim 19 is directed towards a method comprising a method step, and merely recites the limitations of claim 1, as permitted under 35 U.S.C. § 112(2), the applicants submit that claim 19 as amended is allowable. Claim 20 has also been amended to correct a minor typographical error.

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In view of the foregoing amendments and remarks, applicants submit that this application is in condition for allowance and respectfully request early and favorable notification to that effect. If it would expedite prosecution, the Examiner is invited to confer with the undersigned representatives.

Respectfully submitted,



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